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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

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Total Number of Pages in This Submission

4

Application Number	10/826,885
Filing Date	April 16, 2004
First Named Inventor	John J. Wayculis
Art Unit	1764
Examiner Name	Tam M. Nguyen

Attorney Docket Number

200306 USA

ENCLOSURES (Check all that apply)

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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
Amendment is in the form of a "Request for Reconsideration Without Amendment Under 37 C.F.R. § 1.111"		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Jack E. Ebel		
Signature			
Printed name	Jack E. Ebel		
Date	January 31, 2006	Reg. No.	28,148

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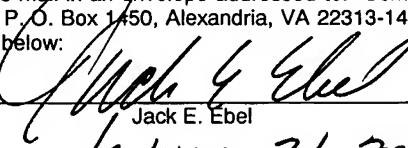
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. Wayculis
Serial No.: 10/826,885
Filed: 04/16/2004
For: PROCESS FOR CONVERTING
GASEOUS ALKANES TO
LIQUID HYDROCARBONS

Examiner: Tam M. Nguyen
Group Art Unit: 1764
Confirmation No.: 1419
Atty. Docket No.: 200306 USA

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Signature: 

Jack E. Ebel

Date: January 31, 2006

Dear Sir:

January 31, 2006

REQUEST FOR RECONSIDERATION WITHOUT AMENDMENT
UNDER 37 C.F.R. 1.111

In the matter of the captioned application and in response to the first Office Action dated October 31, 2005, Applicant respectfully requests reconsideration and allowance of claims 1-20 which are deemed patentable over the rejection of record for the reasons hereinafter advanced.

Claims 1-20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting ("ODP rejection") as being unpatentable over claims 1-22 of copending U.S. patent application no. 11/101,886. The Examiner commented that "[t]his is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented."

U.S. patent application serial no. 11/101,886 which was filed on April 8, 2005 is a continuation-in-part of the instant U.S. patent application serial no. 10/826,885 which was filed on April 16, 2004. The claims of the instant parent application are rejected

under the ODP rejection over the claims of the later filed, copending, continuation-in-part application.

M.P.E.P. §804 I.B. "Instances Where Double Patenting Issue can be Raised between Copending Applications-Provisional Rejections" states that "[t]he "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in at least one of the applications." Further, M.P.E.P. §804 I.B.1. "Nonstatutory Double Patenting Rejections" states that **"If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. ...If "provisional" ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer. [emphasis added]"**

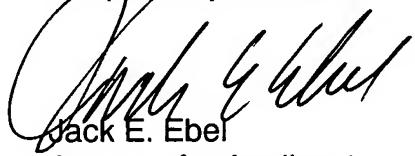
As the instant application is the "earlier filed application" and as the ODP rejection is the only rejection of record, the need for filing a terminal disclaimer in the instant application is obviated and the ODP rejection of claims 1-20 as being unpatentable over claims 1-22 of copending U.S. patent application no. 11/101,886 should be withdrawn.

Further, Applicant wishes to bring to the Examiner's attention U.S. patent application serial no. 11/254,438 which was filed on October 19, 2005 and is entitled "Process for Converting Gaseous Alkanes to Olefins and Liquid Hydrocarbons". This application is a continuation-in-part U.S. patent application serial no. 11/101,886 which was cited in the first Office Action. U.S. patent application serial no. 11/254,438 does not constitute prior art with respect to the captioned application.

Atty. Docket No.: 200306 USA

In view of the foregoing, Applicant requests reconsideration and allowance of claims 1-20.

Respectfully Submitted,



Jack E. Ebel

Attorney for Applicant

Reg. No. 28,148

(303) 980-1805

Facsimile: (303) 980-1808